

United States Government

Department of Energy

memorandum

DATE: January 26, 2001

REPLY TO:

ATTN OF: Office of Environmental Policy and Guidance: Boulos: 6-1306

SUBJECT:

Corrections and Amendments to Final Clean Air Act Rule Establishing Hazardous Air Pollutant Emission Standards for Off-Site Waste and Recovery Operations.

TO:

Distribution

The purpose of this memorandum is to inform Department of Energy (DOE) program offices and field organizations that on January 8, 2001, the Environmental Protection Agency (EPA) issued amendments to a final rule in the Federal Register (66 FR 1263) on "National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Off-Site Waste and Recovery Operations". In this final rule, the EPA is amending the July 1, 1996, promulgated rule (61 FR 34139), and the July 20, 1999, (64 FR 38950) direct/final amendments. (The July 1996 regulations are available on the Home Page of the Office of Environmental Policy and Guidance (EH-41) at: <http://tis.eh.doe.gov/oepa/rules/61/61fr34139.pdf>). The January 2001 amendments to the rule do not change the emission control requirements or the impact of the rule. This action amends the monitoring requirements and corrects typographic and formatting errors.

The EPA, under the authority of Section 112 of the Clean Air Act, promulgated a NESHAP for off-site waste and recovery operations that emit hazardous air pollutants (HAP). The NESHAP establish standards to control HAP emissions from certain waste management and recovery operations.

The NESHAP, under the provisions of 40 CFR Part 63, Subpart DD, as specified in Section 63.680, apply to the owner and operator of a plant site for which specified conditions are applicable: the plant site is a "major source" of HAP emissions as defined in 40 CFR 63.2; one or more of operations that receives off-site materials as specified in paragraph (b) of this Section is located at the plant; and the operations are one of the waste management operations or recovery operations as specified in paragraphs (a)(2)(i) through (a)(2)(vi) of Section 63.680.

On July 20, 1999, EPA published a direct final rule that amended the promulgated regulations. The direct final rule amendments resolved issues and questions raised after promulgation of the final rule. In addition, other amendments were made to correct technical omissions, to make specific requirements consistent and up-to-date with recent EPA decisions made for other related air rules, and to correct terminology, typographical, printing, and grammatical errors.

The January 2001 amendment to the monitoring requirements will aid sources in choosing and certifying appropriate monitors, as well as establishing quality assurance procedures for maintaining, calibrating and auditing the monitors. The correction of typographic and formatting errors will make the regulation more readable for the regulated community.

The final rule is available at <http://www.eh.doe.gov/oepa/rules/66/66fr1263.pdf> on the Office of Environmental Policy and Guidance (EH-41) Home Page.

If you have any questions concerning this rule, please contact Mr. Emile Boulos at: emile.boulos@eh.doe.gov; 202-586-1306.

(original memo was signed by Andrew Wallo)
Andrew Wallo III
Director
Air, Water and Radiation Division